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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

New Parent World, LLC, a New Jersey)
for-profit corporation (d/b/a My Baby)
Experts),)
Plaintiff,)
vs.)
True To Life Productions, Inc., an Arizona)
for-profit corporation; Heritage House '76,)
Incorporated, an Arizona for-profit)
corporation; Brandon Monahan, in his)
individual capacity,)
Defendants.)

Case No. 3:23-CV-08089-DGC

**REPLY IN SUPPORT OF
PLAINTIFF'S MOTION FOR
TELEPHONIC STATUS
CONFERENCE**

COMES NOW, Plaintiff, New Parent World, LLC ("Plaintiff"), by and through undersigned counsel, hereby files this Reply (the "Reply") in support of its Motion for Telephonic Status Conference (the "Request"). Plaintiff's Request was short and straightforward, and made only as a result the upcoming discovery deadline and Defendants' refusal to set a date to call the Court. Instead of simply participating in that call, Defendants instead responded to the Request, putting new alleged discovery issues into the record in violation of the Court's Order (Doc. 50 at p.3). Plaintiff is now forced to reply to Defendants' inaccurate representations, as follows.

1 As an initial matter, no discovery dispute actually exists related to any of Plaintiff's
2 discovery responses. Plaintiff and Defendants met and conferred on July 22, 2024 via a
3 telephonic conference regarding four (4) of Plaintiff's discovery responses. Plaintiff agreed
4 to supplement those responses by Friday, August 2, 2024. Plaintiff is still in the process of
5 supplementing the requested four (4) discovery requests, **and the deadline is still days**
6 **away**. No dispute exists, nor has Plaintiff refused to provide any requested information to
7 date. To the extent there may be a forthcoming dispute (which Plaintiff does not
8 anticipate), it certainly is not ripe for discussion now.
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11 Next, despite Defendants' representations that Plaintiff has not been cooperative,
12 Plaintiff has put forth significant effort to avoid unnecessary discovery disputes. For
13 example, Plaintiff answered nine (9) interrogatories served by Defendants that exceed the
14 allowable limit set by the Federal Rules of Civil Procedure, Rule 30(d)(1), as well as the
15 limit set by this Court (*see* Doc. 26 at 1). Plaintiff addressed the significant overage with
16 Defendants and asked for a courtesy additional five (5) interrogatories for Plaintiff as a
17 way to resolve the issue and ensure fairness. Defendants refused to provide any additional
18 discovery requests to Plaintiff. Despite Defendants' refusal, Plaintiff nonetheless provided
19 responses to the additional nine (9) interrogatories to avoid an unnecessary discovery
20 dispute.
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23 Regarding the current filings, Plaintiff requested the telephonic status conference
24 only after substantial effort to address Defendants' non-compliance with the Court's Order
25 related to the parties' discovery matrix (*see generally* Doc. 46) and because of Defendants
26 refusal to set a date to call the Court. Plaintiff's efforts include participating in meet and
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1 confers on June 6, 2024 and June 11, 2024 - collectively over three (3) hours of phone calls
2 - and numerous emails. The volume of alleged non-compliance by Defendants required a
3 nine (9) page letter to document the issues, which letter Plaintiff sent to Defendants on July
4 17, 2024, **requesting a time to call the Court** (see Doc. 56 at 9). The items listed in the
5 letter are all the same issues already addressed with Defendants on June 6, 2024 and June
6 11, 2024.

8 In response, Defendants' counsel stated that he would confer with his client. Having
9 received no update, Plaintiff again asked for an update on when the parties could call the
10 Court in an email to Defendants dated July 25, 2024. Defendants' counsel responded that
11 he "did connect with our client" but again needed more time. Exhibit A. With the quickly
12 approaching discovery deadline, and having already asked Defendants to call the Court
13 multiple times **over nine (9) days**, only after receiving yet another refusal to set a time did
14 Plaintiff file its Request (Doc. 54).

17 As of drafting this Reply, the Court has now scheduled a telephonic status
18 conference on August 6, 2024 (Doc. 57). While Defendants may not be persuaded by
19 Plaintiff's efforts, they have consistently demonstrated throughout this lawsuit that once a
20 call is scheduled with the Court, significant efforts are made to produce missing discovery.
21 Although Plaintiff's attempts alone may not be persuasive, the involvement of the Court
22 appears to be effective. Notably, following Plaintiff's recent Request for a telephonic
23 conference with the Court, Defendants produced over four hundred (400) new documents
24 on July 29, 2024.

27 What prompted the Request was the quickly approaching discovery deadline.

1 However, the parties may be required to yet again push back the discovery deadline
2 because of Defendants' delays and non-compliance with the Court's Order.

3 RESPECTFULLY SUBMITTED this 30th day of July, 2024.
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5 By: s/Krystle M. Delgado
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